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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/800,444

03/15/2004

Lester Chu

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10291 7590 12/04/2008
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EXAMINER

ROSEN, NICHOLAS D

ART UNIT

PAPER NUMBER

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MAIL DATE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LESTER CHU,
EDWIN HARADA, DOUGLAS HEATHERLY,
TIMOTHY MAHONEY, JAMES MESSINA,
and JAMES PALMA

Application 10/800,444
Technology Center 3600

Mailed: December 3, 2008

Before Krista Zele, *Deputy Chief Appeals Administrator*.

Zele, Deputy Chief Appeals Administrator.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on May 27, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

APPEAL BRIEF, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed November 2, 2007 under the heading “Grounds of rejection to be reviewed on appeal” is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified.

A review of the last Office action, including any mailed Advisory Action(s) finds that claims 7-9, 11, 12, 15, 16, 19-21, 24, 25, 32, 37, 43, 47 and 51 are rejected under 35 USC 103 as being unpatentable over Soulanille et al. and Bates et al. and further in view of Might et al. (see page 7 of Final Office action mailed May 9, 2007). Appellant(s) have not indicated the grounds of rejection of these claims nor provided arguments for these grounds of rejections.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the examiner:

- 1) for notification to appellants to submit a revised Appeal Brief which corrects the “Grounds of rejection to be reviewed on appeal” and other sections as required;
- 2) for consideration of said revised Appeal Brief; and
- 3) for such further action as may be appropriate.

KZ/psb

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